



LAUTENBERG AMENDMENT



Congress recently enacted an amendment to the Gun Control Act of 1968 which might affect some soldiers. This paper will provide a brief summary of the amendment and tell you where to go for further answers. It is NOT designed to be a substitute for individual legal advice from a Legal Assistance attorney

This amendment (called the Lautenberg Amendment, after its sponsor, Senator Lautenberg) makes it a felony for anyone – including a soldier – who has a “conviction” for a misdemeanor crime of “domestic violence” to ship, transport, possess or receive firearms or ammunition. There is no exception for military personnel engaged in official duties. The Lautenberg Amendment also makes it a felony for anyone to sell or to issue a firearm to a person with such a conviction.

The definitions of both “domestic violence” and “conviction” are complex. However, a “conviction” does NOT include an Article 15, a summary court-martial conviction, or deferred prosecutions (or similar dispositions) in civilian courts.

To avoid liability themselves, your commanders may want to know who in their command may be covered by this amendment. If you believe that you have such a conviction, you are not required to discuss your situation with your commander until after you have seen a Legal Assistance attorney. That attorney will give you personal legal advice on what you should do in your situation.

The Lautenberg Amendment could potentially affect your military career. IF you believe you are covered by the Lautenberg Amendment, as explained here or by your command, you should immediately seek the assistance of a Legal Assistance attorney. Please bring court documents to your Legal Assistance appointment. If you do not have them, request a copy from the courthouse where you obtained the conviction.

** This handout is for general informational purposes only. For specific questions concerning individual circumstances, or for questions in general on the Lautenberg Amendment, contact the Legal Assistance office in your area.*

Yongsan Client Legal Services Office, Bldg 4106, room 229 (ACS building). Please call 738-6841 for an appointment. Office hours: M, Tu, W, F 0900-1600 and Th 1300-1500.
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